

IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1880.—Ordered to be printed.

Mr. PRYOR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1340.]

The Committee on Claims, to whom was referred Senate bill No. 1340 for the relief of Charles E. Gunn, postmaster at Calhoun, Henry County, State of Missouri, having had the same under consideration, make the following favorable report:

The committee find that the said Gunn kept the post-office in a store-house, a frame building, in the said town of Calhoun, in the said county of Henry, State of Missouri, in which he also kept property of his own. They find that the said Gunn as postmaster kept everything valuable belonging to the post-office, together with money of his own, in what was considered a secure safe, in the said frame building, which was locked or properly secured at the time of the burglary hereafter shown. It does not appear that any one at the time or at any time slept in said post-office or store-house. This, however, does not, in the estimation of the committee, in this class of office and postal property and funds, and in all cases, establish the want of that due and proper care and diligence which is necessary or essential in all cases to entitle a party to relief. The committee fully recognize the rule that the government does not guarantee against loss, nor is it bound as a principle of law to indemnify a party in such cases, but that Congress can and will in peculiar cases grant relief, as when a party, acting as postmaster, takes such care of the property and effects of the post-office as he does of his own property and effects of like character in kind and amount, provided the care and diligence thus bestowed is or was such as a prudent, careful, and reasonable man would and should take of his own; then, in such case, the committee think that would be the degree and character of care and diligence as should induce the granting of relief by Congress and such as to bring the case within Congressional discretion. Here the post-office was kept in a frame store-house; the postal funds, stamps, and post orders, together with the money of the owner, in amount larger than the amount of the post-office effects, were placed in a pronounced secure safe in said store-house, and the store-house properly locked, fastened, or closed. That at a late hour of the night, to wit, two o'clock a. m., an explosion was heard at the store-house. That upon this explosion, the postmaster, accompanied by other citizens, repaired at once to the post-office, found the door of the store-house broken open, the safe exploded, and contents taken, in amount three hundred dollars, one hundred and sixty dollars of which was money belonging to Mr. Gunn, and one hundred and forty dollars belonging to the post-office, and consisting of seventy-five dollars in postal stamps, five dollars in money-

order funds, and sixty dollars in postal funds. That said Gunn made all reasonable and proper efforts to discover the burglar, but failed. The Post-Office Department, upon being apprised of the robbery, dispatched a special agent to investigate the same, who did examine and made report to the department the result of his examination, which report is here referred to and made a part hereof by copy herewith filed, and marked P. O. R. This report shows the amount claimed in the bill, to wit, one hundred and forty dollars, not to be unreasonable. Your committee therefore recommend the passage of the bill without amendment.

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